UNITED STATES DISTRICT COURT DISTRICT OF MAINE

UNITED STATES OF AMERICA	.)	
)	
)	
)	
v.)	DOCKET NO. 2:19-cr-56-JAW
)	
)	
)	
RAFAEL LUGO)	
)	
Defen	dant)	

SECOND RENEWED MOTION FOR COMPASSIONATE RELEASE 18 U.S.C §3582

NOW COMES the Defendant, by and through counsel, and hereby moves pursuant to 18 U.S.C. §3582 (c)(1)(A)(i) that this Court modify his sentence and immediately release him to home confinement and a period of supervised release. In support of this motion, the Defendant states the following:

- On December 19, 2019, Defendant was sentenced to 41 months incarceration with supervised release to follow.
- 2. As of November 17, 2020, Defendant remains incarcerated at the Metropolitan Detention Center (MDC) in Brooklyn NY (a BOP facility). His projected release date is January 16, 2022.
- 3. On March 30, 2020, undersigned counsel emailed a Request for Compassionate Release to the Warden of MDC.

- 4. On April 9, 2020, Defendant moved this Court for Compassionate Release (ECF 55).
- 5. On April 10, 2020, this Court denied Defendant's motion without prejudice because the exhaustion provision of 18 U.S.C. §3582 (c)(1)(A) had not been satisfied (ECF 57).
- 6. On April 27, 2020, undersigned counsel received a written denial of Defendant's Request for Compassionate Release from the Warden of MDC.
- 7. On May 5, 2020 Defendant renewed his Motion for Compassionate Release (ECF 58):
 - 8. On June 4, 2020, this Court denied Defendant's Renewed Motion (ECF 64).
- 9. Defendant now files a Second Renewed Motion for Compassionate Release and incorporates his prior filings in ECF 55 and ECF 58 herein. This motion is filed in light of a recent order in *U.S. v. Gerald Price*, D.R.I., Crim 18-110-JJM-PAS (November 10, 2020)(copy attached).
- 10. Defendant Price was also held at MDC Brooklyn and he exhibited many characteristics similar to Defendant Lugo:

	<u>Price</u>	<u>Lugo</u>
Sentence Date, Length	2-24-20	12-19-19
	60 months	41 months
Release Date	11-18-22	1-16-22
Weight	243 lbs	210 lbs (PSR 46)
Height	6' 1"	5" 10" (PSR 46)
Body Mass Index	32.1	30.1
	(obese)	(obese)
Congregate setting	yes	yes
COVID climbing	yes	yes
Age	35	42
Criminal history	no	yes
of violence		
Disciplinary Actions at	none	none
BOP		
Qaulified for RDAP	yes	yes
	_	_
Time served (Includes	33 months	21 months
detention time)	(55 %)	(51%)

11. For the foregoing reasons, Defendant Lugo respectfully files his Second Renewed Motion to modify is sentence under 18 U.S.C. § 3582 (c)(1)(A)(i) and moves this court to release him to home confinement.

Dated at Portland, Maine this 30th day of November, 2020.

/s/ Neale A. Duffett, Esq. – Bar #2328

CLOUTIER, CONLEY & DUFFETT, P.A. 465 Congress Street Portland, Maine 04101 207-775-1515

CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2020 I caused the forgoing to be filed with the Court using the ECF system which will send a copy to:

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